

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

&

THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

MONDAY, THE 1ST OCTOBER 2007 / 9TH ASWINA 1929

LA.App.No. 618 of 2001(D)

LAR.216/1998 of PRL.SUB COURT, KOZHIKODE
.....

APPELLANT: RESPONDENT

STATE OF KERALA

BY ADVOCATE GENERAL

SRI.V.K.BEERAN, ADDL.ADVOCATE GENERAL

GOVERNMENT PLEADER SRI K.V.MANOJ

RESPONDENTS:CLAIMANTS

1. A.P.APPUKUTTY, PUTHUKKAD HOUSE,
KUNNAMANGALAM, KOZHIKODE (DIED)
2. A.P.SAMI, PUTHUKKAD HOUSE,
KUNNAMANGALAM, KOZHIKODE.
3. A.P.BHASKARAN, PUTHUKKAD HOUSE,
KUNNAMANGALAM, KOZHIKODE
4. A.P.SREEDHARAN, PUTHUKKAD HOUSE,
KUNNAMANGALAM, KOZHIKODE
5. A.P.VELAYUDHAN, PUTHUKKAD HOUSE,
KUNNAMANGALAM, KOZHIKODE
6. A.P.SAHADEVAN, PUTHUKKAD HOUSE,
KUNNAMANGALAM, KOZHIKODE
7. A.P.SASI, PUTHUKKAD HOUSE,
KUNNAMANGALAM, KOZHIKODE
8. A.P.KALLIANI, PUTHUKKAD HOUSE,
KUNNAMANGALAM, KOZHIKODE
9. A.P.MYTHILY, PUTHUKKAD HOUSE,
KUNNAMANGALAM, KOZHIKODE

10. DAMAYANTHI, PUTHUKKAD HOUSE,
KUNNAMANGALAM, KOZHIKODE

RESPONDENTS 2 TO 10 ARE DELETED VIDE ORDER DT. 11.9.2007 IN
I.A. NO. 3571/05.

RESPONDENTS 2 TO 10 ARE ADDED IN THE PARTY ARRAY AFTER R1
VIDE ORDER DT. 11.9.2007 IN I.A. NO. 3571/05.

2. A.P. BHASKARAN, USHA SADANAM, ADUKKATH,
KUNNAMANGALAM, KOZHIKODE.

3. A.P. VELAYUDHAN, PEECHITHANIKKATTU,
KUNNAMANGALAM, KOZHIKODE.

4. SREEDHARAN A.P., GARURA POIL,
KUNNAMANGALAM, KOZHIKODE

5. A.P. SASI, PEECHITHANIKKATTU,
KUNNAMANGALAM, KOZHIKODE

6. A.P. SAHADEVAN, PEECHITHANIKKATTU,
KUNNAMANGALAM, KOZHIKODE

7. A.P. SAMI, DEVAPRASAD, PEECHITHANIKKATTU,
KUNNAMANGALAM, KOZHIKODE.

8. KALLIANI @ SAVITHRI, CHULIYAD VEEDU, PALAKKUTTY,
KODUVALLY, KOZHIKODE.

9. DAMAYANTHI, KANGOSSERI POTTAMMEL,
PARIYANGADE, MUNDAKKAL,
POOVATTUPARAMBU P.O., KOZHIKODE

10. MYTHILI, PEECHITHANIKKATTU,
KUNNAMANGALAM, KOZHIKODE

ADDL.R.11 TO 16 ARE IMPEADED AS THE LEGAL HEIRS OF THE DECEASED
1ST RESPONDENT VIDE ORDER DT. 23.5.05 IN IA 2910/2004.

11. JANU, ADUKKATH PUSHPA NIVAS, KUNNAMANGALAM, KOZHIKODE.

12. SOBHANA, KAMMATHAZHAM, UMMALATHUR,
VELIPARAMBU, MEDICAL COLLEGE P.O., KOZHIKODE.

13. RAMARAJAN A.R., PADYATTAMPILAM (ADUKKATH),
KUNNAMANGALAM, KOZHIKODE-1.

14. BHAKHOTHOTHAMAN A., VENGALATH (ADUKKATH),
KUNNAMANGALAM, KOZHIKODE.
15. SIVANANDAN, ADUKKATH PUSHPA NIVAS,
KUNNAMANGALAM, KOZHIKODE.
16. ARJUNAN, ADUKKATH PUSHPA NIVAS,
KUNNAMANGALAM, KOZHIKODE.

BY ADV. SRI.THOMAS ANTONY

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD
ON 01/10/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A.No.618 of 2001-D

Dated: October 1, 2007

JUDGMENT

Kurian Joseph, J.

This appeal is against the judgment and decree in LAR No.216/1998 on the file of the Sub Court, Kozhikode. As far as the land value is concerned, in view of the judgment in LAA No.1113/2000, no interference is called for. However, with regard to the calculation under sec.23(1-A) benefit, apparently an error has been committed by the Reference Court. The date of taking possession being the earlier date, sec.23(1-A) benefit shall be only upto that date. Therefore, the claimant in this case shall be entitled to sec.23(1-A) benefit only upto 24.7.1997. As far as the computation of the amounts is concerned, the entitlement is only for Rs.209935/- and not 210048/-. This appeal is thus partly allowed in terms of the modifications as above.

**KURIAN JOSEPH
JUDGE**

**HARUN-UL-RASHID
JUDGE.**

mt/-

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

L.A.A. No.618/2001-D

JUDGMENT

1.10.2007